

**From:** [Wu, Jennifer](#)  
**To:** [SEEDS Joshua](#); [Leinenbach, Peter](#); [Labiosa, Rochelle](#); [Henning, Alan](#)  
**Subject:** RE: Forest WQ & WQS  
**Date:** Thursday, May 29, 2014 1:34:15 PM

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Thanks for the call today, Josh. FYI, (b) (6)  
(b) (6), and Alan and I had talked about meeting in person beforehand on the Riparian Rule. I think (b) (6), so it might not work for you, but we could try to talk with Gene to coordinate talking points.

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**From:** SEEDS Joshua [mailto:SEEDS.Joshua@deq.state.or.us]  
**Sent:** Thursday, May 29, 2014 11:50 AM  
**To:** Wu, Jennifer; Leinenbach, Peter; Labiosa, Rochelle; Henning, Alan  
**Subject:** FW: Forest WQ & WQS  
FYI

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**From:** FOSTER Eugene P  
**Sent:** Wednesday, May 28, 2014 8:42 AM  
**To:** WIGAL Jennifer; STURDEVANT Debra; KNUDSEN Larry  
**Cc:** SEEDS Joshua; MICHIE Ryan; FOSTER Eugene P; HICKMAN Jane; BOROK Aron  
**Subject:** Forest WQ & WQS

So, some things came up yesterday that we need to discuss, such as:

Deb, Josh, and Aron - There is interest in hearing from a high stature fish biologist (perhaps Stan Gregory) about fish needs for natural thermal regimes, PCW, etc... There continues to be discussion on if there is no effect on fish going from 12.0 to 12.3 (a distinction from thermal transport downstream). We need to better describe the TAC thinking, any new research, and opinion from respected fish bios such as Stan the PCW approach and establishing natural thermal regimes. Are there others, maybe from NOAA that could participate? The work of Dave and Bruce and Josh and Deb and Aron in this area is very much appreciated, but it is thought that there is a need to get outside expert opinion.

Larry, Jane, Jennifer, Deb - Is it the state's policy decision whether to apply antidegradation based on changes in relation to a WQS or can we base it on degradation of the beneficial use. That is, could we rescind the PCW and use a narrative of no resource degradation?

Larry, Jane, Jennifer, Deb - 402 permits, is there an antidegradation review when a 401 permit is reissued? How are point sources regulated under antidegradation?

Larry, Jane - They were also arguing that WLAs allow degradation

Larry, Jane, Jennifer, Deb - questions about recurring activities came up and private timber wants to be considered a recurring activity under 340-41-0004(4)

fyi - EPA action based on the Acosta Decision to redline NCC and not the entire temp WQS was brought up and the legality of EPA to act in this way.

Larry, Jane, Jennifer, Deb - questions that we could rescind PCW and rely on the language in OAR 340-041-0028(9)(a) that "No increase in temperature is allowed that would reasonably be expected to impair cool water species." as our antidegradation statement and then we would rely on BOF to establish what is resource degradation.

Larry, Jane - questions about MEP were raised.

Josh, Aron - NMFS 2014 paper cited showing that Coho do better with more light. We need to

follow up on what this study was about.

Josh, Ryan, Aron - Statements about WQ on forestlands being good. And I agree it is good by comparison, but we need to put this into context based on not just percentage of forestlands with good, fair, poor WQ but the number of river miles.

Acknowledgement that paired watershed studies are not long enough term for watershed response, they still think they show that current forest practices are not causing resource degradation.

Although this seems like a lot, the discussion is starting to shift to policy discussions and some things regarding science that were brought up in earlier meetings were not discussed.

We should discuss sometime soon. We will need some of this ready for a meeting on June 13, and definitely for the EQC June 19th

thanks

Gene